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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,098	06/21/2001	Shih-Pin Hsiao	3626-0206P	3930
2292	7590	10/18/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, BRIAN D	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. K 09/885,098	Applicant(s) HSIAO, SHIH-PIN	
	Examiner Brian D. Nguyen	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 5-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukamoto (6,625,166).

Regarding claim 1, Tsukamoto discloses a network with QoS (Quality of Service) control, which comprises: a first connection port (12 of figure 2) for receiving first class signals (data); a second connection port (11 of figure 2) for receiving second class signals (voice) which require a higher transmission priority than the first class signals (voice requires higher priority); a QoS control element (14), which receives the first class signals and the second class signals transmitted from the first connection port and the second connection port, respectively; and a third connection port (to dedicated channel network 3), which outputs the first class signals and the second class signals.

Regarding claims 5-8, Tsukamoto discloses the ports connected to LAN, telephone, and WAN (see figure 2).

Regarding claims 9-10, Tsukamoto discloses converting analog voice signal to a digital voice data packet (see col. 6, lines 49-50 and col. 17, lines 10-11).

Regarding claim 11, Tsukamoto further discloses encoder/decoder and encapsulating (see col. 7, lines 2-15 and col. 13, lines 14-16).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Einbinder (6,704,302).

Regarding claim 2, Tsukamoto does not disclose the QoS control element allows the second class signals to pass first according to port priorities. However, Einbinder discloses the use of port priority (see col. 1, lines 7-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use port priority as taught by Einbinder in the system of Tsukamoto so that real-time data packets are given priority without the necessity of examining bits in each data packet to determine priority.

5. Claims 3, 12, 14, 16, 18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Fantin (2002/0021695).

Regarding claim 3, Tsukamoto does not explicitly disclose the QoS control element allows the second class signals to pass first according to a TOS (Type Of Service) definition item. However, Fantin discloses a system that gives transit priority to voice over data packets (see paragraph 0007). Therefore, it would have been obvious to a person of ordinary skill in the

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art at the time the invention was made to voice a higher transit priority as taught by Fantin in the system of Tsukamoto in order to minimize delay for real-time telecommunication.

Regarding claims 12 and 14, Tsukamoto discloses a network device with QoS control, which comprises: a first connection port (12), which connects to a LAN and receives a data packet; a second connection port (11), which connects to a telephone device and receives an analogue voice signal; an encoder/decoder, which converts the analogue voice signal into a digital voice signal (see col. 7, lines 2-3); a digital signal processor, which compresses the digital voice signal into a digital voice data packet (col. 7, lines 3-15); a CPU, which encapsulates the digital voice data packet (see col 13, lines 14-16); a QoS control element (14), which receives the digital voice data packet and the data packet; and a third connection port, which outputs the digital voice data packet and the data packet (to network 3). Tsukamoto does not specifically disclose the digital voice data packet to pass first when the digital voice data packet and the data packet are received simultaneously. However, Fantin discloses this limitation (see paragraph 0007). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to voice a higher transit priority as taught by Fantin in the system of Tsukamoto in order to minimize delay for real-time telecommunication.

Regarding claims 16, 18, and 20-22, claims 16, 18, and 20-22 are method claims that have substantially the same limitations as the apparatus claims 12 and 14. Therefore, they are subject to the same rejection.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Rabenko (6,885,657).

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Regarding claim 4, Tsukamoto does not disclose the QoS control element allows the second class signals to pass first according to a VLAN (Virtual Local Area Network) tag. However, VLAN tag include priority information use for routing is well known in the art. Rabenko discloses this feature (see col. 7, lines 29-38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the priority field as taught by Rabenko in the system of Tsukamoto so that higher priority such as voice packet transmits first.

7. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Fantin as applied to claim 12 above, and further in view of Einbinder.

Regarding claim 13 and 17, Tsukamoto in view of Fantin does not disclose the QoS control element allows the digital voice data to pass first according to port priorities. However, Einbinder discloses the use of port priority (see col. 1, lines 7-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use port priority as taught by Einbinder in the system of Tsukamoto so that real-time data packets are given priority without the necessity of examining bits in each data packet to determine priority.

8. Claims 15 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Fantin as applied to claim 12 above, and further in view of Rabenko.

Regarding claims 15 and 19, Tsukamoto in view of Fantin does not disclose the QoS control element allows the digital voice data to pass first according to a VLAN (Virtual Local Area Network) tag. However, VLAN tag include priority information use for routing is well known in the art. Rabenko discloses this feature (see col. 7, lines 29-38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to

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use the priority field as taught by Rabenko in the system of Tsukamoto so that higher priority such as voice packet transmits first.

Conclusion

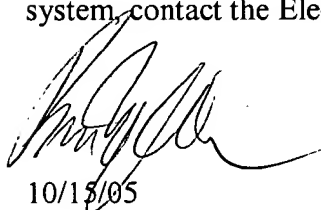
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Awadallah et al (6,449,251) and Rochbergger et al (6,760,309).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



10/15/05

**BRIAN NGUYEN
PRIMARY EXAMINER**